

## **Frequently Asked Questions for Notification, Application-Specific Information, and Early Entry Regulations 3CCR Sections 6618, 6619, 6761.1, 6770 and 6771**

### **General**

**1. When required by these regulations to document the EPA registration number or the California registration number, is it required to include the numbers alpha code?**

**Answer:** No.

**2. Why do spray adjuvants need to be included in notices and displays?**

**Answer:** Spray adjuvants are defined as pesticides in California under section 12753 of the Food and Agricultural Code. If spray adjuvants will be used in a pesticide application, then notices and displays must include the product name and the California registration number assigned to them. Non-compliance with this requirement has been common and has raised worker health and safety concerns. Specifically including them in the required notices clarifies that the notification requirements also apply to spray adjuvants. Identifying spray adjuvants by name and California registration number also provides important information to fieldworkers and their employers, medical, and investigative personnel if a pesticide illness incident occurs.

**3. When there is a violation of sections 6618(a), 6618(a)(1) or 6619(a), can an employee of the operator of the property who is making the application be held responsible or cited with the violation?**

**Answer:** No, for grower-applied applications, the “person performing pest control” in section 6618(a)(1) and the “person applying pesticides” in section 6619 is the grower.

**4. Do these notification and hazard communication regulations apply only to restricted use pesticides or to the use of all pesticides?**

**Answer:** The notifications and displays required in these regulatory sections apply to the use of all pesticides, including pesticides considered exempt from registration under section 6147.

**5. For the purposes of these notices and displays, does the treated (or scheduled to be treated) field include adjacent roads, borders or headlands?**

**Answer:** No, see the definition of treated field in 3CCR section 6000.

### **3CCR Section 6618. Notice of Applications**

#### **6. How is *ample time*, taking *appropriate action* and the *circumstances* of each notification determined in subsections 6618(a) and (b)?**

**Answer:** DPR considers *ample time* to be enough time for all the required notifications to be made and all persons notified to take *appropriate action*. This is a performance-based requirement. Mandating a specific time to give the required notifications does not take into account the huge differences in operational needs, both internally and externally, that exist in California agriculture (e.g., number of employees to notify, size of farming or nursery operation, number of contracted employers).

**Appropriate action:** The appropriate actions referenced in these subsections apply to three entities. The appropriate action for the operator of the property is to provide subsequent notifications to the appropriate employees and employers. The appropriate action for employers (contractors) is to provide the subsequent notifications to their employees. The appropriate action for employees is to stay out of the field or area to be treated during the application and the period of time that any restrictions on entry are in effect.

**Circumstances:** DPR realizes that the time needed to accomplish the required notifications will differ depending on each farming operation and has added language to this effect in this regulatory section. As mentioned in the interpretation of ample time above, the difference in circumstances for each operation using pesticides is widely varied. Compliance with these notification requirements will be measured by gaining an understanding of how each operation handles its notification process given facts that are determined upon inspection or investigation (e.g., size of operation, external influences such as weather changes, daily operational changes such as harvest schedules, how the operational changes are handled with respect to notification).

#### **7. Why wasn't a specific time (e.g., 24-hours) required for completing notifications before a scheduled application?**

**Answer:** Making the notification process more performance-based was DPR's intent for improving these regulatory sections. Indicating a set time, such as 24 hours, would be considered a prescriptive standard and might be an unnecessary burden for some operations. Different sized operations will require different amounts of time to respond to these requirements. A very small operation may only need one or two hours to make all the required notifications, whereas a large corporate farming operation may need longer than 24-hours to comply with the notification requirements.

#### **8. Explain the concept of 'dual responsibility' as it applies to subsections 6618(a)(3) & (4).**

**Answer:** Subsections 6618(a)(3) and (4) were developed to create a dual responsibility between the operator of the property (grower) and any employer (contractor) he or she hires for complying with these notification requirements. Both the operator of the property and the contractor are responsible for giving notification about scheduled applications and restricted entry interval expiration date(s). The operator of the property can accomplish this by either

notifying the employees on the property or notifying the contractor and ensuring that the contractor notifies his or her employees. The operator of the property must be able to show inspectors that the contractor knows about this responsibility (e.g., via language in a contract) and that the contractor was notified (e.g., documentation of the notification via email, facsimile, phone). The contractor can accomplish this by demonstrating they received notice from the operator of the property (e.g., documentation of email, facsimile, voice mail, phone calls) and how they informed their employees (e.g., tailgate meeting, at central location before workday begins, phone calls) and whom they informed.

**9. How does each person performing pest control assure that the notice of a scheduled application is received by the operator of the property to be treated?**

**Answer:** Given the definition of “assure” in section 6000, any person applying pesticides for the operator of the property needs to take all reasonable measures so that the behavior, activity, or event in question occurs. The notice of scheduled application must be given orally, or in writing, by a means (e.g., phone, face-to-face, e-mail, facsimile or other printed communication) that is up to the discretion of the person(s) performing pest control in agreement with the operator of the property. Although not required in section 6618, to show compliance, the person performing pest control could maintain a written record that documents how the notice of scheduled application was given in the file for records required pursuant to 3CCR section 6619(h).

**10. How do 3CCR subsections 6618(a) and (a)(2) apply to grower-applied applications?**

**Answer:** Subsections 6618(a) and (a)(2) describe the responsibilities of two entities:

- 1) The “person performing pest control” and
- 2) The “operator of the property”

Generally, for a grower-applied application the owner/operator or the farm company is both the person performing pest control **and** the operator of the property. The communication described in section 6618(a)(1) would necessarily be an internal communication within the farming company. The regulation intentionally does not specify the method of communication utilized but does apply a performance-based standard.

In these circumstances, the grower (applicator) would be required to schedule the date of the application in ample time for all subsequent notifications to be made and for all persons notified to take appropriate actions [Section 6618(a)].

The grower (operator of the property) would need to assure that he/she had knowledge of all of the information listed in section 6618(a)(1). If the date of the scheduled application changes the operator of the property would need to know of the change [Section 6618(a)(2)].

This information needs to be known by the operator of the property in order that he/she can provide the subsequent notices to the appropriate employees, employers and other persons likely to enter [Sections 6618(a)(3-8) and 6618(b)].

**11. Does 6618(a)(3) require the operator of the property to give notice directly to contracted employees on his property, or does notifying the employer meet this requirement since 6618(a)(4) requires the employer to assure notice is given to his or her employees on the operator's property?**

**Answer:** The operator of the property must assure that all covered employees are notified, including contractor employees. He/She can accomplish this through the contractor (for the contractor's employees) **IF** the operator has assured that the contractor has performed [will perform] the required notification. The operator has "dual responsibility" in this matter. If an investigation showed that a contractor employee was not properly notified:

- The contractor would be in violation of 6618(a)(4) unless it could be shown that the contractor never received notification from the operator.
- The operator of the property may also be in violation unless the operator can demonstrate that the contractor was not only notified but that the operator had made every reasonable effort to assure that the contractor received the notice, knew what to do with the information, and would perform the notifications.
- Enforcement action could be taken against both the operator of the property and the contractor employer even if the operator notified the contractor if it was determined that the operator did not take all reasonable measures to assure that the contractor employees were notified.

This gives the local County Agricultural Commissioner (CAC) flexibility in determining who was at fault and taking action against one or both parties depending on the circumstances.

Another strategy the operator of the property could employ would be to post the field to be treated [3CCR 6776(b-f)], when the pesticide labeling does not require oral notification and posting.

**12. Does having prior knowledge, as stated in 6618(a)(6), include people that the operator sees entering his fields from time to time (e.g., detection trappers, employees of P. G. & E., water districts and oilfield service companies)?**

**Answer:** Yes. This provision also affords safety measures to persons who are not employees of the operator of the property, the pesticide applicator, or any contractor and their employees hired to work in fields on the operator's property, but who are likely to be on the property at the time of application or restricted entry interval. If the operator of the property has knowledge of persons such as detection trappers, P. G. & E. workers, water district employees, a jogger who routinely passes through the field, oilfield service personnel, rental company picking up farm equipment, or others who are likely to enter the treated fields at that time, the operator must assure notice is given. Having knowledge of persons who routinely enter fields, and when they are likely to enter, is the key to this notification requirement.

These notices are not required when a field to be treated is posted as specified in subsections 6776(b-f) unless the pesticide product labeling requires both oral notification and posting of treated fields.

**13. How does the operator of the property give notice to persons, “other than those specified in subsection (a)(3)” that they have prior knowledge will likely enter the field to be treated on the date of the application or during the restricted entry interval?**

**Answer:** The operator of the property can give these persons notification by any means they choose (e.g., cell phone, voice mail, e-mail, facsimile transmission, written notice in the form of a sign at expected entry point) as long as they can assure notification occurs. Examples of those persons required to be notified under section 6618(a)(6) are listed in question #12 above.

These notices are not required when a field to be treated is posted as specified in subsections 6776(b-f) unless the pesticide product labeling requires both oral notification and posting of treated fields.

**14. Are employers and property operators allowed to notify designated employees? What authority must a designated employee hold?**

**Answer:** The word “assure,” in section 3CCR 6618 (and in section 6619), allows notices to be given in any way as long as the notices are given and relayed to the proper people. This could include the use of a designated employee. The designated employee must be able to schedule and stop activities involving field work in the noticed fields.

**15. What precautions during or after an application are to be included in notices given to the operator of the property from the person performing pest control?**

**Answer:** This requirement has changed from all precautions on labeling or in laws and regulations to only those precautions that are related to the protection of persons. The precautions communicated should focus on the safety measures on the labeling and any laws and regulations specific to the subject application (such as extended REIs per 3CCR section 6772). General regulations such as fieldworker training or decontamination requirements need not be included in the precautions communicated in the notices.

Most pesticide product labels have precautionary statements for protecting human health and domestic animals. Some permit conditions for certain restricted use pesticides may have precautions intended to protect and prevent unnecessary pesticide exposure to workers or other persons working in or near fields to be treated. The person performing pest control should be familiar with any precautions pertaining to the application that would prevent and/or reduce the risk of pesticide exposure to workers and other persons and include them with the notice given to the operator of the property. For instance, an applicator preparing to apply a soil fumigant should inform the operator of the property that the label of the material being used requires both posting and oral warning of any employees who may be in or enter the field to be treated.

Making the operator of the property aware of the requirements for early entry workers or providing warnings to not enter until the label allows are important examples.

**16. Which employees need to be notified of a scheduled application pursuant to section 6618(a)(3)?**

**Answer:** Fieldworkers and handlers. Section 6700 contains the scope of the California Worker Safety regulations and is based on law as California legislators determined necessary to provide for the safe use of pesticides. Section 6700(b) specifies that employees who are exposed to residues of pesticides after application to fields are included in the scope. The language "who are exposed to residues" should be interpreted as applying not only to employees already in the field (are exposed), but also to employees who may enter the field after application. This scope is consistent with that of the federal Worker Protection Standard (WPS). Both regulations require notification of a scheduled application unless the fieldworker or handler employees will not enter or walk within ¼ mile of a field to be treated or the field to be treated is posted (unless pesticide labeling requires both posting and oral notification).

**17. If the operator of the property, or any employer with fieldworkers hired to work on the operator's property, posts the field scheduled to be treated, will the operator of the property and any employer with fieldworkers working on the operator's property remain in compliance with the notifications required in this section?**

**Answer:** Yes, unless the pesticide product labeling requires both oral notification and posting of treated fields. Subsections 6618(a)(5)(A) and (a)(6) allows notice to be provided by posting in compliance with subsections 6776(b-f) of fields to be treated.

**18. What happens if the application begins on the scheduled date of the application but is not finished until the next day (i.e., after midnight and 2 application dates)?**

**Answer:** The date of the scheduled application is the date the application begins. The completion notice will provide information on the date and hour the application is completed. The scheduled application date is given to the operator of the property and the operator has notified the appropriate employees, employers and other persons likely to enter with, instructions not to enter the field being treated until authorized by the operator of the property. This authorization cannot be given to employees and their employers until the field has been treated and the notices and information required to be given in section 6619 (Notice of Completed Applications) has occurred. Re-noticing the application is not required just because the application extends into the next day.

**19. From the required notices given in 3CCR 6618(a)(7), explain what "until authorized by the operator of the property" means in (a)(7)(C).**

**Answer:** The notice required to be given to those persons specified in subsections 6618(a)(3), (4), and (6) in subsection 6618(a)(7)(C) include instructions not to enter the field to be treated until "authorized by the operator of the property."

The term “authorized by the operator of the property” means that fieldworkers cannot enter the field until the operator of the property give them or their employer permission to enter. The operator of the property cannot authorize entry into a treated field until the completion notice is received AND either the restricted entry interval has expired or the operator of the property has assured that the restrictions for early entry as required in section 6770 are met.

The notices to fieldworkers and fieldworker employers required subsequent to receiving the notice of completion [6619(c)] will provide the date and hour that workers are authorized to enter the treated field.

**20. Why don’t the notification requirements for non-agricultural pesticide applications include notifying the neighboring residential homeowners of planned treatments to their lawns and landscapes (Pesticide Neighbor Notification)?**

**Answer:** Neither the federal WPS nor California’s notification regulations are intended for this purpose. Notifying neighbors is a completely separate and much more complicated issue that needs to be fully evaluated before considering requiring neighbor notification.

**21. When a registered structural pest control company is found in violation of the notice requirements of section 8538 of the Business and Professions Code, are they also in violation of subsection 6618(b)(3)?**

**Answer:** Technically, yes they would be in violation of 6618(b)(3), however, in this circumstance the structural pest control company should be cited only for violation of the Business and Professions Code (BP&C) section 8538. Registered structural pest control companies must comply with the notice requirements found in section 8538 of the Business and Professions Code (BP&C). This regulation is more comprehensive than the notice requirements found in subsection 6618(b). DPR recommends that, when a registered structural pest control company does not comply with BP&C section 8538, the company be cited for violation of BP&C section 8538 only. The CAC should cite 3CCR section 6618(b)(3) for notice violations associated with applications to non-production agricultural sites such as golf courses and cemeteries) and non-agricultural sites such as schools and packing houses.

**3CCR Section 6619. Notice of Completed Applications**

**22. How do 3CCR subsections 6619(a) and (b) apply to applications performed by the owner/operator or the farm company?**

**Answer:** Subsections 6619(a) and (b) describe the responsibilities of two entities:

- 1) The “person applying pesticides” and
- 2) The “operator of the property”

Generally, for a grower-applied application, the owner/operator or the farm company is considered both the person applying pesticides and the operator of the property. The communication described in section 6619(a) would necessarily be an internal communication

within the farm company. The regulation intentionally does not specify the method of communication utilized but does apply a performance-based standard.

In these circumstances, the grower (operator of the property) would be required to know the information in section 6619(a)(1-5) within 24 hours of the completion of the application.

This information needs to be known by the operator of the property in order that he/she can provide the subsequent notices to the appropriate employees, employers and other persons likely to enter [Section 6619 (c), (d) and (g)].

For grower applied applications, the owner/operator or the farm company does not have an obligation under 6619(b) to maintain records of the notice of completion. Section 6619(b) only requires retention of the notices received from a person other than the operator of the property making the application.

Although not required, DPR recommends that the operator of the property maintain such records to prevent accidental early entry related to grower-applied applications.

**23. What exact information must be maintained as a written record by the operator of the property?**

**Answer:** The written record must include the information required in subsection 6619(a)(1-5).

**24. How does any person who applied pesticides to an agricultural commodity assure that the notice of completed application is received by the operator of the property?**

**Answer:** The person applying pesticides for the operator of the property needs to take all reasonable measures so that the behavior, activity, or event in question occurs. The means by which the notices are given (e.g., phone, face-to-face, e-mail, facsimile or other printed communication) is up to the discretion of the person(s) who applied the pesticide(s) as long as they are given orally, or in writing, and the person receiving the notice is aware of the notification method. The pest control business is required to maintain a written record that documents the name of the operator of the treated property, the location of the treated property, the date and time the completion notice was given to the operator of the treated property, and how and to whom (if applicable) the notification was given. Subsection 6619(b) requires that the operator of the property treated to maintain a written record by site that documents the notice of completed application that they receive from the person applying the pesticide(s).

**25. Does the concept of ‘dual responsibility’ apply to section 6619 as it does in section 6618?**

**Answer:** Yes. Subsections 6619(c) and (d) were developed to create a dual responsibility between the operator of the property and any employer he or she hires for complying with these notification requirements. Both the operator of the property and the contractor are responsible for giving notification about completed applications and restricted entry interval expiration date(s). The operator of the property can accomplish this by either notifying the employees on



the property or notifying the contractor and ensuring that the contractor notifies employees. The operator of the property must be able to show inspectors that the contractor knows about this responsibility (e.g., via language in a contract) and that the contractor was notified (e.g., documentation of the notification via e-mail, phone). The contractor can accomplish this by demonstrating they received notice of completed application from the operator of the property (e.g., documentation of e-mail, facsimile, voice mail, phone call) and how they informed their employees (e.g., tailgate meeting, at central location before employees begin their workday, phone calls) and whom they informed.

**26. Which employees need to be notified of a completed application?**

**Answer:** Fieldworkers and handlers. Section 6700 contains the scope of the California Worker Safety regulations and is based on law as California legislators determined necessary. Section 6700(b) specifies employees who are to be notified of a completed application. The language "who are exposed to residues" should be interpreted as applying not only to employees already in the field (are exposed), but also to employees who may enter the field after application. This scope is consistent with that of section 6618 except it applies to notices required to be given after the application occurs.

**27. If the operator of the property posts a restricted entry field, will the operator of the property and any employer with fieldworkers working on the operator's property remain in compliance with the notifications required in this section?**

**Answer:** Yes, unless the pesticide product labeling requires both oral notification and posting of treated fields. With the above caveat, subsections 6619(e)(1) and (g) exempts the operator from providing oral notice to employees by posting the treated field pursuant to section 6776(b-f).

**28. Does the pest control business need to maintain a written record that documents the method of notification as required in subsection 6619(h)(4) if they do not notify a person?**

**Answer:** Yes, the method of notification is required regardless if a person was notified or not. If a person was notified, then that person's name needs to be part of the record. 3CCR subsection 6619(h) recognizes that some methods of notification, such as facsimiles, voicemail or drop boxes, do not involve a person-to-person contact. It is for this reason that subsection 6619(h)(4) allows the pest control business to document the method without documenting the name of the person notified.

**3CCR Section 6761.1. Application-Specific Information for Fieldworkers**

**29. How does the operator of the property display the application-specific information when the application is completed at 3:00 am and the message isn't discovered until 6:00 a.m. and fieldworkers are at the field at 5:00 am?**

**Answer:** The operator of the property is required to display the application-specific information when they receive the notice of completion. This must happen **before** workers are allowed to enter the subject field. The operator is required to know of the scheduled application and to

provide instructions to workers and worker employers to stay out of the field until authorized. The operator cannot give that authorization until a completion notice is received and the REI has expired [See 3CCR section 6618(a)(3) and (7)].

**30. What is the intent of new subsection 6761.1(c)?**

**Answer:** A common non-compliance issue for production agricultural growers is not properly displaying the location where fieldworkers can readily access application-specific information. Subsection 6761.1(c) requires the operator of the property to display a detailed description of the location of the application-specific information to help fieldworkers find information about the pesticides used in their workplace. The description must be simple enough to direct fieldworkers to the information without them having to ask how to find the display of application-specific information. Pesticide Safety Information Series A-9 contains a place where this description can be included and thus make it easy for employers to comply.

The subsection also facilitates the inspector's ability to find and evaluate the application-specific information display or to determine that the employer is not in compliance with section 6761.1.

**31. Explain the difference between central location and worksite as they are referenced in subsection 6761.1(c).**

**Answer:** A central location is typically a place where fieldworkers gather together before being transported to a worksite. A main office or building on a farm or nursery where fieldworkers park their vehicles before work or before boarding a bus that takes them to the fields on the farm where they may work for the day could be considered a central location. Somewhere at this location (usually on a central bulletin board) a completed Pesticide Safety Information Series (PSIS) leaflet A-9 (Hazard Communication Information for Employees Working in Fields) must be displayed by the operator of the property. The PSIS A-9 must disclose where the application-specific information is displayed on the operator's property.

A worksite is typically a place where fieldworkers come to perform their work. A field planted with an agricultural commodity is considered a worksite for fieldworkers. If fieldworkers report directly to work at these sites without gathering at a central location, the PSIS A-9 must be present at the worksite. The PSIS A-9 must disclose where the application-specific information is displayed on the operator's property. This could be at a central location.

At either location, to be in compliance, the operator of the property and any employer with fieldworkers (e.g., farm labor contractor) hired to work on the operator's property, are required to display a description of the location of the application-specific information display. This description must be included on the appropriate section of, or as an attachment to, a PSIS A-9.

**32. If no fieldworkers will be entering treated fields, is the property operator still required to display application-specific information as soon as he or she receives the completion notice when fieldworkers are anywhere on his or her property?**

**Answer:** Yes. Section 6761.1(b) says it must be displayed when the completion notice is received. It must also (“**and**”) be displayed before any fieldworkers are allowed to enter the treated field. Section 6761.1(a) requires that the information be displayed, “while fieldworkers are employed to work in treated fields on the operator’s property.” The display cannot be taken down until it is no longer a treated field (30 days after the expiration of all REIs) **or** there are no fieldworkers **or** no treated fields anywhere on the operator’s property.

**33. Is there a specific time allotment given to the operator of the property to display application specific information after he or she receives the completion notice?**

**Answer:** No. This is a performance-based requirement. The application-specific information is required to be displayed at the central location when the operator receives notice of the completion and before any workers are allowed to enter a treated field. The display must be maintained while the operator has fieldworkers employed to work in treated fields on the property.

**34. Are both the operator of the property and any fieldworker employers required to display the location of application-specific information at the worksite or central location? (Example: A contracted crew is working in a treated field. The contractor displays the location of application specific information on his A-9 at the worksite. Is the property operator also required to display the location of application specific information at the same worksite or a central location where that crew gathers?)**

**Answer:** Only one PSIS A-9 with the location description of the application-specific information display (ASID) is required. The requirement to display the **location** of the ASID is the responsibility of the employer of fieldworkers in a treated field (See Volume 8 of the PUE Program Standards Compendium for information on employer determinations). This is the same as the requirement to display the PSIS A-9. Typically, it would be the farm labor contractor’s responsibility to provide a display of the location of the ASID for contracted employees either at the worksite or at a central location where all members of the crew gather prior to entering the treated field. If the location of the ASID is displayed at a central location where **all** members of the crew gather, the location of the ASID would not need to be at the worksite.

**35. 3CCR section 6761.1 requires that the application-specific information must be displayed while fieldworkers are employed to work in treated fields on the operator’s property and that, “The information must include all applications that have been made to any field on the operator’s property.” Does this include fields that the operator of the property has in other parts of the state or in other states?**

**Answer:** When the operator of the property maintains only one ASID then that display would need to include all treated fields controlled by that operator in California. CDPR encourages CACs to work with growers that have multiple ranch locations to use multiple ASIDs, specific to each location, in order that fieldworkers can have feasible access to the display relevant to them. The name and circumstances of any operator of the property that is maintaining an ASID out of state for treated fields in California should be referred to your Enforcement Branch Liaison.

### **3CCR Section 6770. Field Entry After Scheduled or Completed Pesticide Applications**

**36. Does the concept of ‘dual responsibility’ apply to section 6770 as it does in sections 6618 and 6619?**

**Answer:** Yes. Subsections 6770(b) and (c) were developed to create a ‘dual responsibility’ between the operator of the property (grower) and any employer (contractor) he or she hires to work on their property for preventing their employees from any unnecessary entry into a treated field while the restricted entry interval (REI) is in effect. Both the operator of the property and the contractor are responsible for not allowing or directing their employees to enter a treated field until after they receive the notice of completion as specified in subsections 6619(c) and (d) and the REI has expired. The operator of the property and their hired contractor can accomplish this by demonstrating that they understand and have complied with the notification requirements given to them. The operator of the property must be able to show inspectors that the contractor knows about this responsibility (e.g., via language in a contract). Both the operator of the property and the contractor must understand the requirements given in subsection 6770(d) if any of their employees are allowed to enter a treated field before the REI expires.

**37. Explain what “immediately available” means when a tractor, or other equipment, operator is performing a no contact activity as it pertains to personal protective equipment (PPE).**

**Answer:** While performing a “no contact” activity in a treated field, the tractor or equipment operator must have the required PPE (as specified on the pesticide labeling) present and ready for use and promptly available in or on the tractor or equipment so that if the tractor breaks down or the operator disembarks the tractor in the field the worker can be protected through the use of the appropriate PPE.

**38. Are early entry workers exempt from the use of eyewear?**

**Answer:** Fieldworkers performing early entry work in a treated field would only have to wear protective eyewear if it was required on the pesticide labeling for early entry workers.

**39. Does the statement, “whichever is more protective,” in this section mean that early entry workers must wear at least coveralls, socks, chemical resistant footwear, chemical resistant gloves, and protective eyewear (if eyewear is required by the pesticide product labeling for early entry workers), even if not required for early entry by the pesticide label?**

**Answer:** Yes, unless the labeling requires more protective PPE and clothing, the regulatory alternative must be worn by early entry workers engaged in short-term limited contact or short-term high contact activities.

**40. Section 6770(a) requires that the operator of the property keep workers out of a field on the date of the scheduled application. There is an exemption from this requirement if the application has not occurred and the operator of the property can assure that the application will not take place when the employees will be in the field to be treated.**

**What if you apply a pesticide that has a short restricted entry interval (REI) that expires on the date of the application? Does the operator need to keep workers out of the field after the REI expires?**

**Answer:** No, section 6770(b) allows workers to enter the field when the operator of the property has received the notice of completion and the REI has expired.

### **3CCR Section 6771. Requirements for Early Entry Employees**

**41. Why doesn't the employer responsible for informing employees of the ten safety requirements before they may enter a field under a REI have to keep documentation of their training?**

**Answer:** The employer of any early entry employee shall assure the employee has been informed of the ten safety requirements given in section 6771(a) before they enter a field under an REI as permitted in section 6770. The intent has always been to make this a performance standard instead of a prescriptive standard (requiring documented training) for those responsible for providing this information to employees. Non-compliance with this subsection will be determined through investigative procedures.